



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/768,336	01/30/2004	Jeffrey P. Bezos	AMAZON.12A2DV1	6517
20995	7590	08/09/2006	EXAMINER	
KNOBBE MARTENS OLSON & BEAR LLP			HAQ, NAEEM U	
2040 MAIN STREET			ART UNIT	
FOURTEENTH FLOOR			PAPER NUMBER	
IRVINE, CA 92614			3625	

DATE MAILED: 08/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/768,336	Applicant(s) BEZOS ET AL.	
	Examiner Naeem Haq	Art Unit 3625	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-64 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-64 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-9, drawn to a method of assisting users in evaluating items in an electronic catalog by tracking purchases, collecting permission data, and monitoring online browsing, classified in class 705, subclass 26.
- II. Claims 10-22, drawn to a method of assisting users in evaluating items in an electronic catalog by providing contact information of a second user to a first user, classified in class 705, subclass 26.
- III. Claims 23-32, drawn to a system for assisting users in evaluating items in an electronic catalog wherein the system has an item-to-user mapping table and a personalization process that uses the mapping table, classified in class 705, subclass 26.
- IV. Claims 33-43, drawn to a method of assisting users in evaluating a merchant by identifying a second user who is member of a community associated with a first user and who has engaged in business with the merchant, classified in class 705, subclass 26.
- V. Claims 44-52, drawn to an electronic catalog system, classified in class 705, subclass 27.
- VI. Claims 53-58, drawn to a method of assisting users in selecting items from an electronic catalog by maintaining purchase history and community data

Art Unit: 3625

of users and by allowing users to limit exposure of their purchases to other users on a community-by-community basis, classified in class 705, subclass 26.

- VII. Claims 59-64, drawn to a method of assisting users in selecting items from an electronic catalog by maintaining purchase history and community data of user and by allowing users to limit exposure of their purchases to other users on a either an item-by-item basis or a user-by-user basis, classified in class 705, subclass 26.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention II has separate utility such as a method of assisting users in evaluating items in an electronic catalog that does not require tracking purchases, collecting permission data, and monitoring online browsing as required in invention I. See MPEP § 806.05(d).

Inventions I and III are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In the present case, invention I recites a process that can be practiced by

Art Unit: 3625

another materially different apparatus such as a system that does not require the item-to-user mapping table and personalization process of invention III.

Inventions I and IV are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as a method of assisting users in evaluating items in an electronic catalog that does not require identifying a community associated with a user as required in invention IV. See MPEP § 806.05(d).

Inventions I and V are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In the present case, invention I recites a process that can be practiced by another materially different apparatus such as a system that does not require the database and personalization component of invention V.

Inventions I and VI are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as a method of assisting users in evaluating items in an electronic catalog that does not require maintaining purchase history and community data of users or allowing users to limit exposure of their purchases to other users on a community-by-community basis as required in invention VI. See MPEP § 806.05(d).

Inventions I and VII are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as a method of assisting users in evaluating items in an electronic catalog that does not require maintaining purchase history and community data of users or allowing users to limit exposure of their purchases to other users on a either an item-by-item basis or a user-by-user basis as required in invention VII. See MPEP § 806.05(d).

Inventions II and III are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In the present case, invention II recites a process that can be practiced by another materially different apparatus such as a system that does not require the item-to-user mapping table and personalization process of invention III.

Inventions II and IV are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention II has separate utility such as a method of assisting users in evaluating items in an electronic catalog that does not require identifying a second user who is member of a community associated with a first user and who has engaged in business with the merchant as required in invention IV. See MPEP § 806.05(d).

Art Unit: 3625

Inventions II and V are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In the present case, invention II recites a process that can be practiced by another materially different apparatus such as a system that does not require the database and personalization component of invention V.

Inventions II and VI are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention II has separate utility such as a method of assisting users in evaluating items in an electronic catalog that does not require maintaining purchase history and community data of users or allowing users to limit exposure of their purchases to other users on a community-by-community basis as required in invention VI. See MPEP § 806.05(d).

Inventions II and VII are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention II has separate utility such as a method of assisting users in evaluating items in an electronic catalog that does not require maintaining purchase history and community data of users or allowing users to limit exposure of their purchases to other users on a either an item-by-item basis or a user-by-user basis as required in invention VII. See MPEP § 806.05(d).

Inventions III and IV are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In the present case, invention IV recites a process that can be practiced by another materially different apparatus such as a system that does not require the database and personalization component of invention III.

Inventions III and V are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention V has separate utility such as an electronic catalog system that does not require an item-to-user mapping table as required in invention III. See MPEP § 806.05(d).

Inventions III and VI are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In the present case, invention VI recites a process that can be practiced by another materially different apparatus such as a system that does not require an item-to-user mapping table as required in invention III.

Inventions III and VII are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as



Art Unit: 3625

claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In the present case, invention VI recites a process that can be practiced by another materially different apparatus such as a system that does not require an item-to-user mapping table as required in invention III.

Inventions IV and V are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In the present case, invention IV recites a process that can be practiced by another materially different apparatus such as a system that does not require the database and personalization component of invention V.

Inventions IV and VI are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention IV has separate utility such as a method of assisting users in evaluating a merchant that does not require maintaining purchase history and community data of users or allowing users to limit exposure of their purchases to other users on a community-by-community basis as required in invention VI. See MPEP § 806.05(d).

Inventions IV and VII are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention IV has separate utility such as a method of assisting users in evaluating a merchant that does not

Art Unit: 3625

require maintaining purchase history and community data of users or allowing users to limit exposure of their purchases to other users on a either an item-by-item basis or a user-by-user basis as required in invention VII. See MPEP § 806.05(d).

Inventions V and VI are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In the present case, invention VI recites a process that can be practiced by another materially different apparatus such as a system that does not require the database and personalization component of invention V.

Inventions V and VII are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In the present case, invention VII recites a process that can be practiced by another materially different apparatus such as a system that does not require the database and personalization component of invention V.

Inventions VI and VII are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention VI has separate utility such as a method of assisting users in selecting items from an electronic catalog that does not require allowing users to limit exposure of their purchases to other users

Art Unit: 3625

on a either an item-by-item basis or a user-by-user basis as required in invention VII.

See MPEP § 806.05(d).

Because these inventions are independent or distinct for the reasons given above and the inventions require a different field of search (see MPEP § 808.02), restriction for examination purposes as indicated is proper.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naeem Haq whose telephone number is (571)-272-6758. The examiner can normally be reached on M-F 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on (571)-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3625

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Naeem Haq', with a large, stylized initial 'N' and a long horizontal stroke extending to the right.

**Naeem Haq**, Primary Examiner  
Art Unit 3625

August 6, 2006